

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 09-349(1) & (2) (DWF/SRN)

Plaintiff,

v.

ORDER

Joseph L. Finney (1) and Mark S. Sutton (2),

Defendants.

Robert M. Lewis, Assistant United States Attorney, United States Attorney's Office, counsel for Plaintiff.

William M. Orth, Esq., Law Office of William M. Orth, counsel for Defendant.

This matter is before the Court on Defendants Mark S. Sutton and Joseph L. Finney's requests for a continuance of the trial date (Doc. Nos. [60] and [62]). Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendants in a speedy trial. The government has been consulted and has indicated that they do not oppose this motion. This finding is based on the facts set forth in the accompanying motions.

Accordingly, **IT IS HEREBY ORDERED** that the Motions to Continue the Trial Date (Doc. Nos. [60] and [62]) are **GRANTED**. The period from the date of this order through July 12, 2010, shall be excluded from the Speedy Trial Act computations in this case.

THEREFORE, IT IS ORDERED, that:

1. All voir dire questions, and proposed Jury Instructions shall be submitted, pursuant to the Electronic Case Filing Procedures for the District of Minnesota/Criminal and according to the directives of the Honorable Donovan W. Frank, no later than 4:30 p.m. on July 2, 2010;
2. The pretrial is set for 9:00 a.m., on July 8, 2010, before the Honorable Donovan W. Frank, Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota; and
3. The trial in this matter will be held on July 12, 2010, at 9:00 a.m., Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.

Dated: April 29, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge